

**REGULAR MEETING OF THE
BRIGHAM CITY COUNCIL
OCTOBER 1, 2009**

PRESENT:	Lou Ann Christensen	Mayor (<i>via phone</i>)
	Reese Jensen	Mayor Pro Tem
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Public Works Director
	Nancy Jo Green	Senior Center Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Art Petersen	Fire Chief
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police

Mayor Pro Tem Jensen called the meeting to order. The Reverence Period was given by Councilmember Ericson. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of September 17, 2009 Council and Executive Session was made by Councilmember Ericson. The motion was seconded and carried. Mayor Pro Tem Jensen presented the agenda as follows:

**PUBLIC COMMENT
CONSENT**

Request to Carry Over Funds in the Library Fund from the 2008-09 Budget to the 2009-2010 Budget
Request to Transfer Anonymous Donation for the Academy Square Project to the Academy Square Foundation
Request to Transfer Funds from the Fire Department Training and Protective Clothing Account to the Fireworks Account to Cover the Increase in the Cost for the 4th of July Fireworks

SCHEDULED DELEGATION

Proclamation Declaring October Violence Awareness Month
Proclamation Declaring International Credit Union Week
Request to Lease City Property for Exploration of Oil and Natural Gas

NEW BUSINESS

Request for Approval of Policies Outlining Physical Testing Requirements for the Ambulance Division
Request for Approval of Policies Outlining Physical Testing Requirements for the Fire Division
Resolution Authorizing Reimbursement from Bond Proceeds for Capital Expenditures to Finance Telecommunication Improvements

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

CLAIMS

Payment Register

Councilmember Marabella made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

There were no comments from the public.

CONSENT

Request to Carry Over Funds in the Library Fund from the 2008-09 Budget to the 2009-2010 Budget

The library fund has collected \$20,185.17 of Literacy Funds that are currently in a restricted cash account. An additional \$1,369 in restricted grant funds has also been accumulated in the prior year. It was requested that these funds be expended during the 2009-10 fiscal year.

Request to Transfer Anonymous Donation for the Academy Square Project to the Academy Square Foundation

The City received \$4,000 from an anonymous donor for the Academy Project. It was requested that this money be transferred to the Academy Square Foundation so it can be used to help fundraising efforts toward the completion of the building.

Request to Transfer Funds from the Fire Department Training and Protective Clothing Account to the Fireworks Account to Cover the Increase in the Cost for the 4th of July Fireworks

There is \$15,000 budgeted in this year's budget for fireworks. The cost to do the same fireworks show as last year has increased to \$17,985.79. The Fire Division requested that \$2,985.79 be transferred from their training and protective clothing account to cover this shortfall. The transfer will be covered by grants the Department has received since the budget was approved by the Council. There will be no loss in either training or protective equipment as a result of this transfer.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded and carried.

SCHEDULED DELEGATION

Proclamation Declaring October Violence Awareness Month

Annette McFarland and Paulette Garren came forward. Ms. McFarland stated that last year there were 3,646 crisis calls to the Center. They served 860 women, 635 children and 51 men who were impacted by domestic violence and child abuse, dating violence, stalking and other types of abuse. The rate of child abuse is up 229% from the same period last year. Domestic violence is up 160% from last year. They are seeing an increased number of dating violence situations. The use of technology, such as the internet and texting, have a tremendous impact on dating violence.

Ms. McFarland announced that their new name is the New Hope Crisis Center of Box Elder County.

MOTION: A motion to authorize Mayor Pro Tem Jensen to sign the proclamation declaring October Violence Awareness Month was made by Councilmember Christensen, seconded by Councilmember Ericson and unanimously carried.

Proclamation Declaring International Credit Union Week

Darrin Hodgkin, Beth Ann Smith and Marti Walker joined the Council. Mr. Hodgkin read the proclamation.

MOTION: Councilmember Christensen made a motion to authorize Mayor Pro Tem Jensen to sign the proclamation declaring October 11-17 as International Credit Union Week and October 15 as International Credit Union Day. The motion was seconded by Councilmember Marabella and unanimously carried.

Request to Lease City Property for Exploration of Oil and Natural Gas

Ms. Julie Magleby came forward and introduced Danny Gunnell, President of Liberty Pioneer Energy Source. Mr. Gunnell explained that Liberty Pioneer is a Utah company based out of Orem. In the last seven years they have drilled over 80 wells. This year they have drilled three wells. By the end of the year they would have spent \$25 million drilling in the State of Utah. They own over 250,000 acres of oil and gas rights in Utah.

They have been leasing in the Brigham City area for about a year. They have not done any drilling yet, they plan to drill at least one and further drilling will be based on that one. They have leased approximately 35,000 acres in this area.

Mr. Gunnell proposed that the City lease the oil and gas rights on property owned by the City to their company. The City would have no liability, Liberty Pioneer would cover all the costs. The geologists will determine where is the best place to drill. At that point the City and Liberty Pioneer would sign a surface use agreement in which the City would set all the rules as far as them coming onto City property, surface damage, etc. If they hit oil and natural gas, the City would receive 1/8 of all revenues.

It would be a ten-year lease and it would state that Liberty Pioneer will not drill within a certain distance from buildings. If this works out, there is potential for the City to receive payment for a billion cubic feet of gas.

Mr. Gunnell explained that it takes about ten days to drill. The drill is smaller than a man, but a little bit bigger than a fire hydrant. The gas lines are underground. They would be able to tie into the gas lines that are already in the area.

MOTION: Councilmember Ericson made a motion to table this issue and ask Public Works and the City Attorney to look into it and bring it back to the Council. The motion was seconded by Councilmember Ruth Jensen and unanimously carried.

NEW BUSINESS

Request for Approval of Policies Outlining Physical Testing Requirements for the Ambulance Division

Mr. Buchanan reported that about a year ago as part of the ongoing risk assessment by URMMA they recommended the Fire and Ambulance Divisions look at a physical fitness policy. This policy is a start to make sure the Fire and Ambulance members are healthy. If a member fails the test three times, they will be put on a structured program.

MOTION: Councilmember Ericson made a motion to approve the policies outlining physical testing requirements for both the Ambulance and Fire Divisions. Councilmember Ruth Jensen seconded the motion, voting was unanimous.

Request for Approval of Policies Outlining Physical Testing Requirements for the Fire Division

This item was discussed during the previous discussion.

Resolution Authorizing Reimbursement from Bond Proceeds for Capital Expenditures to Finance Telecommunication Improvements

Mr. Larsen came forward and explained that this resolution is leading up to the time when the City will bond for the special assessment for UTOPIA. It is anticipated certain City facilities will be hooked up to the UTOPIA network. In doing this there will be excess expenses the City will expend. In adopting this resolution, if a bond is issued under the special assessment area, it will enable the City to be reimbursed for a portion of the excess costs. He added that this is similar to a pioneering agreement which the City does fairly regularly for other types of infrastructure for private developments. This resolution does not obligate the City, it simply enables the City to be reimbursed if the SAA is issued.

Mayor Pro Tem Jensen added that the City will receive a return on investment when hooked up to UTOPIA by saving on the cost of services. If the bond is passed, the return on investment will be sooner than if it's not. It will be a savings to the City in the long run.

The resolution also gives authorization to connect five City buildings to UTOPIA.

Mr. Larsen said the money could come from fund balance, with the reimbursement to come either from the SAA bond or the monthly savings or a combination of both. Another alternative is from the money set aside in the event the UTOPIA pledge is called because it won't be needed for at least a year. A third alternative is to cut each department's budget.

MOTION: Councilmember Christensen made a motion to approve the resolution authorizing reimbursement from bond proceeds for capital expenditures to finance telecommunication improvements. The motion was seconded by Councilmember Marabella. Councilmember Ericson asked for clarification on how the bond will be paid.

AMENDED MOTION: Councilmember Christensen amended his motion that it be determined at a later time where the funds will come from. The amended motion was seconded by Councilmember Marabella.

Councilmember Christensen - aye

Councilmember Ericson - aye

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - nay

Councilmember Marabella - aye

The motion carried 4-1.

MAKING LIFE BETTER - DEPARTMENT REPORTS

Nancy Green - Ms. Green reported that the Senior Center had their most successful Heath Fair recently. They provided 371 flu shots and 42 vendors provided health related services to the seniors. There were over 500 people attend.

Chief Tittensor - Chief Tittensor reported that there were several gangs present at Peach Days. There were also several motorcycle groups present. During the time period of Thursday midnight to Sunday midnight, law enforcement responded to 107 calls for service, nine adults were arrested primarily for alcohol and some drugs, and five arrest warrants were served. No juveniles were arrested, but several were cited for statutory offenses, such as tobacco and alcohol. In the Peach Days "T" zone there were 25 calls for service. They received assistance from Tremonton City, Box Elder County and Adult Probation. There were 35 Volunteers in Police that provided 138 hours during Peach Days.

Jim Buchanan - Mr. Buchanan stated that the \$600,000 from FEMA has been received for the seismic upgrade to the library. They have sent out requests for qualified bidders. They received 11 qualified bids which they narrowed down to eight. They had a preliminary walk through and they will submit bids soon.

CLAIMS

Payment Register

Councilmember Ruth Jensen moved to approve General Claims dated September 22, 2009 in the amount of \$659,505.11 and for September 30 in the amount of \$1,871,955.38. The motion was seconded and carried.

A motion to adjourn to an executive session to discuss pending or reasonably imminent litigation and the sale of property was made by Councilmember Christensen, seconded and carried. The motion was seconded and carried unanimously. The meeting adjourned at 8:09 p.m.